

Members

Rep. Jonathan Weinzapfel, Chairperson
Rep. Ron Herrell
Rep. Richard Mangus
Rep. David Wolkins
Sen. Beverly Gard
Sen. Kent Adams
Sen. Lindel Hume
Sen. Vi Simpson
Gary Reding
Randy Edgemon
Mayor William Goffinet
Mayor James Trobaugh
Art Smith, Jr.
Ellen Tobias
William Hayden
Kerry Manders
Lori F. Kaplan
Sandra Miles



ENVIRONMENTAL QUALITY SERVICE COUNCIL

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Authority: P.L. 248-2001 (SEA 121)

MEETING MINUTES¹

Meeting Date: September 26, 2002
Meeting Time: 1:00 P.M.
Meeting Place: State House, 200 W. Washington St.,
Room 233
Meeting City: Indianapolis, Indiana
Meeting Number: 4

Members Present: Rep. Jonathan Weinzapfel, Chairperson; Rep. Ron Herrell; Rep. Richard Mangus; Rep. David Wolkins; Sen. Beverly Gard; Sen. Kent Adams; Sen. Lindel Hume; Randy Edgemon; Mayor William Goffinet; Ellen Tobias; William Hayden; Lori F. Kaplan; Sandra Miles.

Members Absent: Sen. Vi Simpson; Gary Reding; Mayor James Trobaugh; Art Smith, Jr.; Kerry Manders.

Representative Jonathan Weinzapfel, Chairperson of the Environmental Quality Service Council (EQSC), called the meeting to order at 1:00 p.m.

Lori Kaplan, commissioner of the Indiana Department of Environmental Management (IDEM), gave a brief report on IDEM activities.

Representative James Bottorff and Representative William Cochran were in attendance for discussion of vehicle emissions testing in Clark and Floyd Counties. Janet McCabe, IDEM Assistant Commissioner, Office of Air Quality, summarized the testing information provided at the September 12, 2002, meeting of the EQSC. She responded to questions from

¹ Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

Representatives Bottorff and Cochran concerning possible elimination of or adjustments to the testing programs in Clark and Floyd Counties. Certain vehicles are exempt from testing based on their age and on the manner in which they are licensed. Issues were discussed concerning the cost and efficiency of the testing methods used and the terms of the testing companies' contracts. Testing programs are one of several factors considered in achieving air quality standards, and other factors could theoretically eliminate the need for testing. However, mobile emissions are the most significant contributors to air pollution in these counties. Among factors considered is the closing of industrial facilities, such as the DuPont facility in Louisville, Kentucky. IDEM will review the testing programs to determine whether any changes are warranted.

Representative Dale Sturtz introduced Paul Gleseking, owner of Indian Lakes Campground in Wolcotville, LaGrange County, who discussed an issue concerning billing by the LaGrange Sewer District for sewer services to the campground as outlined in Handout #1. Mr. Gleseking detailed his unsuccessful efforts to convince the sewer district board to change the annual flat fee for services, which he considers to be excessive, to a more reasonable fee based on measured usage of services. Supporting testimony was offered by owners of campgrounds in similar circumstances. Means of addressing the issue were discussed, including statutory amendments to require metering or to adjust the method by which appointments to the sewer district board are made, or review by IDEM of the method of appointment or election of board members.

Sandra Flum, Legislative Liaison, Allen County Board of Commissioners, initiated discussion concerning the status of efforts under P.L. 172-2002 (SEA 461) to obtain a general permit from the U.S. Environmental Protection Agency concerning residential discharging septic systems in Allen County. Meetings with IDEM have occurred, and progress has been made. Loren Robertson, Allen County Department of Health, indicated that a county onsite waste management district will be created by the end of the year, but that the issuance of the permit must await IDEM rulemaking action, which will take approximately one year. Since the passage of P.L. 172-2002, the problem has become more acute because many cases of West Nile virus have occurred in Allen County, and the mosquitoes that carry the virus breed in septic water. Representative Benjamin GiaQuinta, Representative Ron Herrell, and Senator Thomas Wyss stressed the urgency of the situation, and questioned whether the process for acquiring the permit can be expedited. Senator Beverly Gard expressed her view that the length of time required to obtain the permit was not adequately disclosed when P.L. 172-2002 was considered. Tim Method, IDEM Deputy Commissioner, addressed the rulemaking requirement, and the possible consideration of emergency rulemaking. Representative Weinzapfel urged IDEM to explore all possible means of expediting the rulemaking process.

Tonya Galbraith, Legislative Director, Indiana Association of Cities and Towns, introduced Dr. Greg Lindsey, Indiana University Center for Urban Policy and the Environment, to discuss drinking water and waste water infrastructure needs. Dr. Lindsey is seeking to generate infrastructure needs estimates more complete than those that have resulted from IDEM community surveys. Estimates must account for communities that did not respond to surveys, and for storm water and septic system infrastructure needs. Bruno Pigott, SRF Section Chief of IDEM's Office of Water Quality, discussed the drinking water and waste water infrastructure funding options available through the state revolving loan fund programs. A State of Indiana Waste Water Needs Assessment (Handout #2) was distributed. Infrastructure needs are increasing, and all possible funding sources must be examined.

Ms. McCabe discussed the matters outlined in her "Senate Enrolled Act 259" summary (Handout #3). IDEM and the state department of health are in the process of developing a five year hazardous air pollutant strategy as required by P.L. 166-2002 (SEA 259), which should be completed by the end of October, 2002. Discussion ensued concerning the method of

determination of the air pollutants to be monitored and monitoring costs.

The chairpersons of the following gave brief status reports:

- Wetlands Quality Workgroup
- Wetlands Restoration Incentives Workgroup
- Wetlands Statutory Authority Workgroup

Representative Herrell raised issues concerning the Kokomo Continental Steel superfund site for possible discussion at the next meeting of the EQSC.

Representative Weinzapfel scheduled the next and last meeting of the EQSC for October 24, 2002, at 10:30 a.m., and adjourned the meeting at 4:05 p.m.